
City of Reading City Council

Regular Meeting

October 22, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Sayad "Steve" Elmarzouky of the Reading Islamic Center.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6

Managing Director L. Churchill
City Solicitor C. Younger
Public Works Director C. Jones
City Auditor D. Cituk
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

The following proclamations and commendations were presented:

City of Reading City Council issued a commendation honoring German heritage month accepted by the Leiderkrantz.

Councilor Goodman-Hinnershitz, for Mayor Tom McMahon, issued a proclamation to Skate America.

PUBLIC COMMENT

Council President Spencer announced that eleven citizens were registered to address Council on general matters. He asked Council if anyone objected to suspending the public speaking rules to allow comment on general matters to occur at this point in the meeting. As no one objected the public speaking rules were suspended.

Diane Pagan, of S. 12th Street, was not present.

Ronald Wurmser, of Sinking Spring, was not present.

Kent Chrystel, listing a P O Box for his address, highlighted his personal history growing up and operating a business in the City of Reading. He described his recent problem with water billing caused by faulty information provided to the Reading Area Water Authority by the County after he purchased a City building. This faulty information caused his water bills to be sent to an address not related to Mr. Chrystel for a number of months causing his water bill to go unpaid and eventually placed in collection. He also objected to the Water Authority's charge for a tampered meter at his property.

Donna Reed, of Argonne Road, and John Ulrich, of Schuylkill Ave, stated that they are both members of the Crime Alert program. They noted the various successes Crime Alert has had in rewarding those who have helped police solve crimes. They stated that they currently get a contribution from the County and requested that the City also provide a contribution. Ms. Reed stated that Crime Alert has paid out over \$100,000, has received 2,400 tips which as caused 244 arrests – some high profile.

Luz Agramonte, of S 4th Street, stated that she moved to Reading from New York in 1997 and opened a small corner grocery store. She expressed the belief that since 1997 the City has permitted too many grocery stores like hers to open. She noted an overload on corner grocery stores increases crime in neighborhoods and negatively affects the viability of the grocery stores that are not fronts for other purposes. She requested that the City begin to exert more control in issuing permits for corner grocery stores.

Skip Moyer, of Park Lane, objected to the requirements contained in the new Housing Permit Ordinance. He noted that the process is faulty

beginning with uncooperative City employees. He requested that City officials investigate and make the necessary corrections.

Mike DeBiec, of Perkiomen Ave, was not present.

Cecelia Zuber, of Douglass Street, also objected to the time period City staff is taking to process the Housing Permits. She also noted the vandalism on her car since her participation in the anti-City trash campaign last year. She expressed the belief that City Police are not taking her vandalism issue seriously. She also described the harassment and stalking activities associated with this retaliatory effort.

Phillip Valenti, of Upper Darby, representing PAC, requested that City Council support state legislation regarding the Homeowner and Bank Protection Act of 2007. He distributed a copy of the legislation with an explanation.

Mary Ann Ciarlone, of N. 5th Street, noted the need for changes in the Human Relations Ordinance to protect citizens from filing false charges that support a private agenda. She expressed the belief that the local ordinance needs to include a fact finding process.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the minutes from the October 8, 2007 regular meeting of Council and the agenda for this meeting including the legislation listed under the consent agenda heading. He announced that the resolution promoting police officers to the rank of sergeant needs to be amended by reducing those promoted from five to three. He explained that these two police officers will be promoted when they are ready to return to active duty from light duty.

Councilor Fuhs moved, seconded by Councilor Marmarou, to approve the minutes from the October 8, 2007 regular meeting of Council and adopt the agenda for this meeting, as amended, including the items listed under the consent agenda heading. The motion was approved unanimously.

CONSENT AGENDA

Award of Contract- to PWI, Inc., 307 East Church Road, Suite 7, King of Prussia, PA, 19406, who is the sole bidder, at a total bid price of \$116,200.00 to supply and install an overhead lubrication system at the City Garage. **(Purchasing)**

Resolution- approving a sewage planning module for the Auto Zone Parts Store located on the Reading Plaza property at 600 Greenwich Street. **(Public Works)**

ADMINISTRATIVE REPORT

Managing Director Churchill read the report distributed to Council at the meeting covering:

- 2007 leaf collection
- street light maintenance
- fall activities sponsored by the City
- neighborhood lighting project

Councilor Sterner questioned the coordination of the leaf collection and the street sweeping programs. Public Works Director Jones stated that when leaf collection begins, the temporary or paper sign program ends with only the permanent street sweeping schedule continuing. He noted, however, that the street sweeper cannot pick up leaves.

Councilor Marmarou announced the tri-district meeting scheduled for St. Mark's Church at 10th and Windsor on Wednesday, October 24. He encouraged all citizens from districts 4, 6 and 3 to attend.

Councilor Goodman-Hinnershitz thanked the Administration for beginning the street light maintenance program. She noted that several street lights are out at the Center City Bus Station located on 3rd Street

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- 2007 Admissions Tax totaling \$414,611 as of September 30
- 2007 Transfer Tax totaling \$5.4 million as of September 30
- Pension Fund Ordinance

Councilor Marmarou requested a copy of the unofficial report issued by the Attorney General's office at the conclusion of the pension audit.

ORDINANCES FOR FINAL PASSAGE

Bill No. 73-2007 - execute a certain "Consent and Joinder" to join in an amended petition to terminate the Clinton F. Earl Trust (**Solicitor**) *Introduced at the 9-24 Regular Meeting; tabled at the 10/08 meeting of Council pending review of additional questions.*

Councilor Sterner moved, seconded by Councilor Sterner, to table Bill 73-2007.

Bill 73-2007 was tabled by the following vote:

Yea: Fuhs, Marmarou, Sterner, Spencer President – 4.

Nay: Baez, Goodman-Hinnershitz, Waltman – 3.

Mr. Spencer thanked Council for supporting the delay in enacting the Ordinance as this will give the City's law department additional time to review the Court records that formed the Earl Trust.

Bill No. 74-2007 – amending the Codified Ordinances by adding language pertaining to Commercial Loading Zones to the Codified Ordinances – Motor Vehicles and Traffic, Chapter 15, Section 412 (**Parking Authority-Council Staff**) *Introduced at the 10/08/07 meeting of Council; discussed at the 10/08/07 Committee of the Whole meeting.*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 74-2007.

Managing Director Churchill stated that the enactment of this Ordinance will eliminate the ability of passenger vehicles to service retail facilities in the parking garage located near the Goggleworks.

Bill 74-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 75-2007 – amending the Property Maintenance Code by replacing the existing fine schedule with a new sliding fine schedule and making the corresponding adjustments to the City of Reading Fee Schedule (**Solicitor**) *Introduced at the 10/08/07 meeting of Council.*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz to enact Bill 75-2007.

Managing Director Churchill explained that the sliding scale fine scheduled was created in partnership with the local magisterial district justices who requested additional flexibility in the fine schedule.

Councilor Goodman-Hinnershitz agreed with this partnership to improve the judicial process.

Councilor Marmarou noted his hope that this change will cause more guilty verdicts for codes violations.

Bill 75-2007 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinance into the record:

Ordinance- amending the City of Reading Zoning Ordinance to permit Fire Houses by Special Exception in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts. **(Solicitor/Zoning Administration/Planning)**

RESOLUTIONS

Resolution 148-2007 - promoting Police Officer David Hogan to the rank of Sergeant **(Chief of Police)**

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 148-2007.

Resolution 148-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 149-2007 - promoting Police Officer Jeffrey Parr to the rank of Sergeant (Chief of Police)

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 149-2007.

Resolution 149-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 150-2007 - promoting Criminal Investigator Madison Winchester to the rank of Sergeant (Chief of Police)

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 150-2007.

Resolution 150-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 141-2007- reprogramming and additional \$49,623 in unprogrammed ESG funds for operational costs to the existing ESG agreement (Community Development)

Councilor Fuhs moved, seconded by Councilor Sterner, to table Resolution 141-2007.

Resolution 141-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 146-2007- reappointing John Slifko to the Charter Board (Administrative Oversight)

The Administrative Oversight Committee moved to adopt Resolution 146-2007.

Councilor Fuhs noted his belief in the skill and ability of the applicant but expressed his belief that the Charter Board needs new direction. Councilor Waltman noted that he respects the opinion of Councilor Fuhs; however, he believes that the applicant has brought certain measures to move the Charter enforcement process forward.

Councilor Goodman-Hinnershitz stated that she will support this appointment as the applicant has in-depth experience with the meaning and intent of the Home Rule Charter.

Councilor Sterner noted the dedication of the applicant and his belief in the Home Rule Charter.

Councilor Marmarou noted that this applicant has the unanimous endorsement of the Administrative Oversight Committee.

Councilor Baez thanked the applicant for his continuing dedication to the enforcement of the City's Home Rule Charter.

Council President Spencer agreed with some of the concerns expressed. He noted that the Ordinance to make some changes to the powers of the Charter Board has been tabled pending the conclusion of some litigation.

Resolution 146-2007 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: Fuhs – 1.

Resolution 151-2007- authorizing the scheduling of hearing to allow for public comment on the proposed amendment to the Zoning Ordinance to permit Fire Houses by Special Exception in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts.
(Solicitor/Zoning Administration/Planning)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution 151-2007.

Council President Spencer questioned the need to adopt this Resolution as Council in the past has made these advertisements and scheduled

zoning public hearings without this type of legislative action. He questioned if the adoption of this resolution would be setting some type of unnecessary precedent.

City Solicitor Younger stated that the adoption of this resolution is not required and adoption will not set any precedents.

Managing Director Churchill and City Clerk Kelleher stated that through the adoption of this resolution Council will only be noting their intent to hold a public hearing and providing advance notification to Reading citizens.

Resolution 151-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 152-2007- authorizing continuation of the \$2.5 million float loan to the Reading Revitalization Project administered by Our City-Reading, Inc. **(Solicitor)**

Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 152-2007.

Managing Director Churchill explained the need to re-up this loan that was originally approved last year. He stated that this \$2.5 million comes from unused CDBG funds. He noted that the loan does include charges for interest.

Resolution 152-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 153-2007- reappointing Tim Krall to the Legislative Aide Committee **(Administrative Oversight)**

The Administrative Oversight Committee moved to adopt Resolution 153-2007.

Resolution 153-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

COUNCIL COMMENT

Councilor Waltman agreed with the need to review the number of neighborhood grocery stores currently operating at an upcoming Council committee meeting. He agreed with the concerns expressed by Ms. Agramonte.

Councilor Sterner agreed that the overabundance of corner grocery stores can negatively affect the ability of the business to become financially viable. He also agreed with the concerns expressed by Mr. Moyer and promised to follow up accordingly.

Councilor Goodman-Hinnershitz agreed with the need to provide a balance for neighborhood businesses. She agreed with the need to further study this issue.

Councilor Goodman-Hinnershitz explained that the red ribbons worn by Council members this evening signify their support for the drug and alcohol program. She noted some statistics on drug and alcohol use. Councilor Marmarou asked the City Clerk to undertake a research project pertaining to placing limits on the number of corner grocery stores.

Councilor Marmarou again announced the tri-district town meeting occurring for residents of districts 3, 4, and 6 at St. Mark's Church.

Councilor Fuhs expressed the belief that City government should not enact legislation that limits free enterprise.

Councilor Fuhs also expressed the belief that City Council should not support state or federal legislation as they should be focusing on critical City issues.

Councilor Fuhs stated that although he supported the appointment of Mr. Slifko to the Charter Board he is concerned with some input he received concerning some questionable decisions made by the Charter Board. He also expressed the belief that the Charter Board should reflect better diversity.

Councilor Fuhs questioned the suspect activity of D.A. Mark Baldwin in appropriating City drug forfeiture money to the Berks County Community Foundation. He noted that the Community Foundation Board is currently considering applications from social service organizations from Philadelphia and elsewhere. He noted the need for drug forfeiture money to be used to benefit law enforcement in the community where it is seized. He stated that it is beyond the City's collective comprehension that the D.A. would behave as he did.

Council President Spencer stated that he too is leery about applying limits to free enterprise.

Council President Spencer expressed the belief that the problem Ms. Ciarlone has experienced with the Human Relations Commission may be corrected when the City hires a new director.

Council President Spencer noted the ability of the Crime Watch and Crime Alert groups to apply for grant funding from a variety of foundations in and around the County.

Council President Spencer thanked Council staff for submitting reports which outline duties and accomplishments each month. He also thanked the Library Board for submitting their reports and minutes to the City Clerk's office.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Sterner moved, seconded by Councilor Baez, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk